GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2909
ANSWERED ON:15.03.2001
DISCIPLINARY JURISDICTION OVER STAFF ON ELECTION DUTY
JASWANT SINGH YADAV

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Election Commission has obtained the right to initiate action against the employees on election duty;

(b) if so, the details thereof;

(c) the time by which this right of the Election Commission is likely to come into force; and

(d) the extent to which the election are likely to be free and fair after conferring such a right to the Election Commission?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (d) The Election Commission has been of the view that for ensuring free and fair elections, the election machinery must be under the control of the Commission, and answerable to it, for any acts of omission and commission. The extent of disciplinary jurisdiction of the Election Commission under the provisions of the Representation of the People Act, 1951 etc. was sub judice in the Supreme Court in the Writ Petition (Civil) No. 606/1993-Election Commission of India Vs. Union of India and OthersThe Election Commission of India and the Government filed a joint application before the Supreme Court containing the terms of settlement on the issue.In terms of the settlement, the case was disposed of by the Hon`ble Court vide its Order dated 21.9.2000.A statement containing the terms of settlement is laid on the Table of the House. The terms of settlement have been circulated by the Government on 7.11.2000 and 8.11.2000 to all the concerned authorities in the Union Government and the State Governments/Union territories for information and compliance.